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89TH CONGRESS
2D SESSION

H. R. 13881

IN THE SENATE OF THE UNITED STATES

MAY 2, 1966

Read twice and referred to the Committee on Commerce

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, in order to protect the owners of dogs and cats from
4 theft of such pets and to prevent the sale or use of stolen
5 dogs and cats for purposes of research and experimentation,
6 it is essential to regulate the transportation, purchase, sale, or
7 handling of dogs and cats by persons or organizations en-
8 gaged in using them for research or experimental purposes
9 or in transporting, buying, or selling them for such use.

1 SEC. 2. When used in this Act—

2 (a) The term “person” includes any individual,
3 partnership, firm, joint stock company, corporation, as-
4 sociation, trust, estate, or other legal entity.

5 (b) The term “Secretary” means the Secretary of
6 Agriculture.

7 (c) The term “commerce” means commerce be-
8 tween any State, territory, or possession, or the District
9 of Columbia, or the Commonwealth of Puerto Rico, and
10 any place outside thereof; or between points within
11 the same State, territory, or possession, or the District
12 of Columbia, but through any place outside thereof;
13 or within any territory or possession or the District of
14 Columbia.

15 (d) The term “dog” means any live dog of the
16 species (*Canis familiaris*) for use or intended to be used
17 for research, tests, or experiments at research facilities.

18 (e) The term “cat” means any live domestic cat
19 (*Felis catus*) for use or intended to be used for research,
20 tests, or experiments at research facilities.

21 (f) The term “research facility” means any school,
22 institution, organization, or person that uses or intends
23 to use dogs or cats in research, tests, or experiments, and
24 that (1) purchases or transports any dogs or cats in com-
25 merce, or (2) receives any funds from the United

1 States or any agency or instrumentality thereof to finance
2 its operations by means of grants, loans, or otherwise.

3 (g) The term "dealer" means any person who for
4 compensation or profit delivers for transportation, or
5 transports, except as a common carrier, buys, or sells
6 dogs or cats in commerce for research purposes.

7 SEC. 3. No research facility shall purchase or transport
8 dogs or cats in commerce unless and until such research
9 facility shall have obtained a license from the Secretary, or
10 acquire any dog or cat from any person except a person
11 holding a valid license as a dealer.

12 SEC. 4. No dealer shall sell or offer to sell or transport
13 or offer for transportation to any research facility any dog or
14 cat, or buy, sell, offer to buy or sell, transport or offer for
15 transportation in commerce to or from another dealer under
16 this Act any dog or cat, unless and until such dealer shall
17 have obtained a license from the Secretary and such license
18 shall not have been suspended or revoked.

19 SEC. 5. The Secretary is authorized to promulgate
20 humane standards to govern the handling and transportation
21 of dogs and cats by dealers, and to promote their health,
22 well-being, and safety: *Provided, however,* That nothing in
23 this Act shall be construed to authorize the Secretary to set
24 standards for the handling of dogs and cats during the actual

1 research or experimentation or at any time subsequent to
2 the arrival of such animals at a research facility.

3 SEC. 6. The Secretary shall issue licenses to research
4 facilities and to dealers upon application therefor in such
5 form and manner as he may prescribe and upon payment of
6 such fee established pursuant to section 17 of this Act: *Pro-*
7 *vided*, that no such license shall be issued until the dealer
8 shall have demonstrated that his facilities comply with the
9 standards promulgated by the Secretary pursuant to sec-
10 tion 5 of this Act: *Provided, however*, That any person who
11 derives less than a substantial portion of his income (as
12 determined by the Secretary) from the breeding and raising
13 of dogs or cats on his own premises and sells such animals
14 to a dealer shall not be required to obtain a license as a dealer
15 under this Act. The Secretary is further authorized to li-
16 cense, as dealers, persons who do not qualify as dealers
17 within the meaning of this Act upon such persons' complying
18 with the requirements specified above and agreeing, in writ-
19 ing, to comply with all the requirements of this Act and the
20 regulations promulgated by the Secretary hereunder.

21 SEC. 7. All dogs and cats delivered for transportation,
22 transported, purchased, or sold in commerce to any dealer
23 or research facilities shall be marked or identified in such
24 humane manner as the Secretary may prescribe.

25 SEC. 8. Dealers shall make and keep such records with

1 respect to their purchase, sale, transportation, and handling
2 of dogs and cats as the Secretary may prescribe. Research
3 facilities shall make and keep such records with respect to
4 their purchase, sale, and transportation of dogs and cats as
5 the Secretary may prescribe. Such records shall be kept
6 open at all reasonable times to inspection by the Secretary
7 or any person duly authorized by him.

8 SEC. 9. The Secretary is authorized to cooperate with
9 the officials of the various States or political subdivisions
10 thereof in effectuating the purposes of this Act and of any
11 State, local, or municipal legislation or ordinance on the same
12 subject.

13 SEC. 10. No dealer shall sell or otherwise dispose of
14 any dog or cat within a period of five business days after
15 the acquisition of such animal or within such other period
16 as may be specified by the Secretary.

17 SEC. 11. The Secretary is authorized to promulgate
18 such rules, regulations, and orders as he may deem necessary
19 in order to effectuate the purposes of this Act.

20 SEC. 12. (a) If the Secretary has reason to believe
21 that any research facility has violated or is violating any
22 provision of this Act or any of the rules or regulations
23 promulgated by the Secretary hereunder and if, after notice
24 and opportunity for hearing, he finds a violation, he may

1 make an order that such research facility shall cease and de-
2 sist from continuing such violation. If the Secretary deter-
3 mines that such violation was willful and likely to continue,
4 he shall also prepare a report in writing in which he shall
5 state his findings as to the facts and shall certify such report
6 to each agency of the Federal Government furnishing funds
7 to such research facility to finance research, tests, or experi-
8 ments involving the use of dogs or cats with a recommenda-
9 tion that such funds be withdrawn for such period as the
10 Secretary may specify, and each such agency so notified
11 shall suspend all such payments, loans, or grants to such
12 research facility, unless such agency finds that such suspen-
13 sion would not be in the public interest, all other laws or
14 parts of law notwithstanding.

15 (b) If the Secretary has reason to believe that any
16 person licensed as a dealer has violated or is violating any
17 provision of this Act or any of the rules or regulations
18 promulgated by the Secretary hereunder, the Secretary may
19 suspend such person's license temporarily, but not to exceed
20 twenty-one days, and, after notice and opportunity for hear-
21 ing, may suspend for such additional period as he may
22 specify, or revoke, such license if such violation is determined
23 to have occurred and may make an order that such person
24 shall cease and desist from continuing such violation.

25 (c) Any research facility, dealer, or other person

1 aggrieved by a final order of the Secretary issued pursuant
2 to subsections (a) and (b) of this section may, within sixty
3 days after entry of such order, file a petition to review such
4 order in the United States Court of Appeals for the judicial
5 circuit in which the party or any of the parties filing the
6 petition for review resides or has its principal office, or in the
7 United States Court of Appeals for the District of Columbia.
8 Upon the filing and service of a petition to review, the Court
9 of Appeals shall have jurisdiction of the proceeding. For
10 the purposes of this Act, the provisions of chapter 19A
11 (Hobbs Act) of title 5, United States Code, shall be appli-
12 cable to appeals pursuant to this section.

13 SEC. 13. When construing or enforcing the provisions
14 of this Act, the act, omission, or failure of any individual
15 acting for or employed by a research facility or a dealer, or
16 a person licensed as a dealer pursuant to the second sentence
17 of section 6, within the scope of his employment or office,
18 shall be deemed the act, omission, or failure of such research
19 facility, dealer, or other person as well as of such individual.

20 SEC. 14. Any research facility or dealer who operates
21 without a license from the Secretary issued pursuant to this
22 Act or while such license is suspended or revoked, and any
23 research facility, dealer, or person licensed as a dealer pur-
24 suant to the second sentence of section 6 who knowingly
25 fails to obey a cease-and-desist order made by the Secretary

1 under the provisions of section 12 of this Act shall forfeit
2 to the United States the sum of \$500 for each offense and
3 each day of operating without a valid license or failing to
4 obey a cease-and-desist order shall constitute a separate
5 offense. Such forfeiture shall be recoverable in a civil suit in
6 the name of the United States. It shall be the duty of the
7 various United States attorneys, under the direction of the
8 Attorney General, to bring suit for the recovery of forfeitures.

9 SEC. 15. Whenever it shall appear to the Secretary that
10 any person has engaged, is engaging, or is about to engage
11 in any act or practice constituting a violation of any pro-
12 vision of this Act, or any rule, regulation, or order there-
13 under, the Secretary may notify the Attorney General, and
14 the Attorney General may bring an action in the proper
15 district court of the United States or the proper United
16 States court of any territory or other place subject to the
17 jurisdiction of the United States, to enjoin such act or prac-
18 tice and to enforce compliance with this Act, or any rule,
19 regulation, or order thereunder, and said courts shall have
20 jurisdiction to entertain such actions. Any action under
21 this section may be brought in the district wherein the
22 defendant is found or is an inhabitant or transacts business

1 or in the district where the act or practice in question
2 occurred or is about to occur, and process in such cases
3 may be served in any district where the defendant may
4 be found.

5 SEC. 16. If any provision of this Act or the application
6 of any such provision to any person or circumstances shall
7 be held invalid, the remainder of this Act and the applica-
8 tion of any such provision to persons or circumstances other
9 than those as to which it is held invalid shall not be affected
10 thereby.

11 SEC. 17. In order to finance the administration of this
12 Act, the Secretary shall charge, assess, and cause to be col-
13 lected reasonable fees for licenses issued. Such fees shall
14 be adjusted on an equitable basis taking into consideration
15 the type and nature of the operations to be licensed and
16 shall cover as nearly as practicable the costs of administering
17 the provisions of this Act. All such fees shall be deposited
18 in a fund which shall be available without fiscal year limita-
19 tion for use in administering the provisions of this Act to-
20 gether with such funds as may be appropriated thereto, and
21 there are hereby authorized to be appropriated such funds as
22 Congress may from time to time provide.

1 SEC. 18. This Act shall take effect one hundred and
2 twenty days after enactment.

Passed the House of Representatives April 28, 1966.

Attest: RALPH R. ROBERTS,
Clerk.

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